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RESOLUTION NO. 04-439

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 2, MAIN 12, FOUR MILE CREEK SEWER (NORTH OF 21ST, EAST OF 127TH STREET EAST), 468-83511**, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF CONSTRUCTING OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTION OF **LATERAL 2, MAIN 12, FOUR MILE CREEK SEWER (NORTH OF 21ST, EAST OF 127TH STREET EAST), 468-83511**, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO- WIT:

SECTION 1. That Resolution No. **03-323** adopted on **June 17, 2003**, is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to construct of advisability and resolution authorizing construction of **Lateral 2, Main 12, Four Mile Creek Sewer (north of 21st, east of 127th Street East), 468-83511**, in the City of Wichita, Kansas.

SECTION 3. That the cost of said improvements provided for hereof is estimated to be **Eighty-Nine Thousand Dollars (\$89,000)**, exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **September 1, 2002**, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

HAWTHORNE ADDITION

Lots 1 through 6, Block 6;

HAWTHORNE 4TH ADDITION

Lots 1 through 9, Block 1;

SECTION 5. That the method of apportioning all costs of said improvements attributable to the owners of land liable for assessment shall be on a **fractional** basis.

Lot 1, Block 6; within Hawthorne Addition shall pay 2185/10,000 of the total cost payable by the improvement district. Lot 2, Block 6; within Hawthorne Addition, shall

pay 3957/10,000 of the total cost payable by the improvement district. Lot 3, Block 6; within Hawthorne Addition shall pay 352/10,000 of the total cost payable by the improvement district. Lot 4, Block 6; within Hawthorne Addition shall pay 333/10,000 of the total cost payable by the improvement district. Lots 5 and 6, Block 6; within Hawthorne Addition, shall each pay 319/10,000 of the total cost payable by the improvement district. Lots 1 through 8, Block 1; within Hawthorne 4th Addition, shall each pay 226/10,000 of the total cost payable by the improvement district. Lot 9, Block 1; within Hawthorne 4th Addition shall pay 727/10,000 of the total cost payable by the improvement district.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 9. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, August 17, 2004.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)